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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,259	08/22/2001	Laurent Herrmann	FR 000084	9556

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EXAMINER

JOO, JOSHUA

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,259

Applicant(s)

HERRMANN, LAURENT

Examiner

Joshua Joo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. Claims 1-10 are presented for examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 7 is rejected under 35 U.S.C. 101 because the invention is not limited to tangible embodiments (e.g., signal). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 4, 6-8, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins, US Patent #6,317,882 in view of Goldschmidt Iki et al, US Patent #6,226,444 (Goldschmidt hereinafter) and Zigmond et al, US Patent #6,698,020 (Zigmond hereinafter).

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Substantially

6. As per claims 1, 4, 6-8, and 10, Robbins teaches the method ^{substantially} as claimed, including the system and program to transmit an ID code with a digital broadcast to remind the user of a specific broadcast, including recording the specific broadcast. Robbins' teachings comprises of:

a) Creation means for creating data descriptors comprising for describing each multiple-use data previously identified, said descriptors comprising a set of characterizing fields, (Col 4, lines 20-47. An ID code is used, which may be derived from manipulating information from the signal. Col 37, lines 54-58. An ID code has a first portion and a second portion, which contains program instructions.)

b) Insertion means for inserting the data descriptors in the set of multiple-use data, each multiple-use data being then associated with data descriptor, (Col 4, lines 17-43. An ID code is transmitted with the broadcast signal.)

c) Analysis means for analyzing received data so as to detect the presence of descriptors of multiple-use data and thus to identify multiple-use data and single-use data, (Col 40, lines 35-41. Receiver scans the data streams for broadcasts that match the ID codes.)

d) Storage means for storing detected multiple-use data and their associated descriptors previously received, (Col 40, lines 29-34. Receiver has memory for storage and can store a plurality of ID codes. (Col 29, lines 30-34. The receiver may record the program.)

e) recovery means for recovering multiple-use data previously stored (Col 29, lines 28-34. Device records program in order for the viewer to remember the program. Recovering the stored data is inherent since it being recorded to remind the viewer.); and

7. Robbins does not specifically teach of an analysis means for analyzing digital data so as to identify data referred to as multiple-use data which can be used several times at the receiver

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end, and data referred to as single use data which can be used only once upon reception at the receiver end;

8. Goldschmidt teaches of monitoring a digital broadcast and analyzing the broadcast to identify commercials and programs (Col 5, lines 18-19, 31-49).

9. It would have been obvious to one of ordinary skill in the art the time the invention was made to combine the teachings of Robbins and Goldschmidt because both teachings deal with methods of recording digital broadcasts. Furthermore, the teachings of Goldschmidt to analyze the broadcast for commercials and programs would improve the teaching of Robbin because Goldschmidt's teachings would enhance the capability of Robbins' system by providing selective tagging and recording of digital broadcasts.

10. Robbin does not teach of composition means for composing the contents of an application on the basis of single-use data and multiple-use data previously stored, a same data which has a multiple-use data previously stored, a same data which has a multiple use in the composition of said contents being then directly recovered upon each use from said storage means by said recovery means.

11. Zigmond teaches of inserting different forms of video content stored locally into a video program (Col 6, lines 15-18; Col 7, lines 26-31; Col 20, lines 46-56).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Robbin and Zigmond because the teachings of Zigmond to insert video content into a broadcast would enhance the capability of Robbin's system by customizing the broadcast for the viewer.

13. As per claim 3, Robbins teaches the communication system as claimed in claim 1, characterized in that each descriptor of multiple-use data comprises a set of fields corresponding to an identification code which enables distinguishing the descriptor from other descriptors, to the type of data to which the descriptor is attached, to a starting data and a final date defining a time window in which the data associated with the descriptor can be used, and to a duration of a use for the data associated with the descriptor (Col 7, lines 44-62. ID code comprises of two portions. The first portion contains information on the type of code it is. Second portions contains instructions for a date/time stamp to indicate when to tune to the data stream. Col 38, lines 64-65. The time and duration information of the ID code can be replaced with a time-to-start and a time-to-end.).

14. As per claim 7, Robbins teaches an invention, wherein a signal composed of digital data associated with descriptors, said digital data including multiple-use data is characterized in that each descriptor of multiple-use data comprises a set of fields corresponding to an identification code which enables distinguishing the descriptor from the other descriptors, to the type of data to which the descriptor is attached, to a starting data and a final date defining a time window in which the data associated with the descriptor can be used, and to a duration of use for the data associated with the descriptor (Col 7, lines 44-62. ID code contains information on the type of code it is. It also contains instructions for a date/time stamp to indicate when to tune to the data stream. Col 38, lines 64-65. The time and duration information of the ID code can be replaced with a time-to-start and a time-to-end. Col 3, lines 46-47. The broadcast program may be a digitalized transmission.).

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15. As per claim 10, Robbins further teaches the invention as claimed in claim 8, wherein a computer support program for a communication terminal, said computer program comprising a series of instructions which, when loaded into the communication terminal, enable said communication terminal to execute the method of recognizing multiple-use data. (Col 29, lines 15-17. The receiver may be a computer. Col 37, lines 54-59. ID can be programmed a set of instructions for detecting the program to tune to, and the ID is stored on the receiving system.)

16. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins, Goldschmidt, Zigmond, and in view of Nakatsuyama, US Patent #6,658,231.

17. As per claims 2 and 5, Robbins teaches the communication system characterized in that the receiver further comprises means for updating the descriptors (Col 32, lines 31-37. The ID codes are updated.) However, Robbins does not teach the communication system of updating multiple-use data previously received and stored in said storage means, said updating means taking into account a capacity of the receiver to deal with the contents of the multiple-use data to which said descriptors are attached and various time parameters contained in each descriptor in relation to a local clock.

18. Nakatsuyama teaches of receiving user-demand information on a digital broadcast, where the invention has real time updates on programs which may be stored (Col 5, lines 17-24), where Nakatsuma's system has a time stamp field to receive programs at specific times (Col 9, lines 7-30). When the receiver's memory is full, it overwrites the old programs (Col 8, lines 5-10).

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19. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Robbins and Nakatsuyama because both teachings deal with the recording of digital broadcasts. Furthermore, the teachings of Nakatsuyama to update data in the storage would improve the functionality of Robbins' invention by providing the user with the most up-to-date information, which would be important in regards to information such as weather or traffic.

20. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robbins, Goldschmidt, Zigmond, and in view of Matsushima et al, US Patent #6,535,717 (Matsushima hereinafter).

21. As per claim 9, Robbins teaches of transmitter comprising of a server and the receiver comprises a terminal for transmitting and receiving digital encoded data (Col 3, lines 40-41; Col 4, lines 15-23. Receiver receives transmitted signals. Server is inherent since the signal is being broadcasted.). However, Robbins does not specifically teach that the digital data is encoded in accordance with the MPEG-4 standard.

22. Matsushima teaches of transmitting and receiving digital broadcast (Col 8, lines 33-41), where encoding is by means of MPEG-4 standard.

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Robbins invention with Matsushima's invention to use a MPEG-4 standard for encoding because Matsushima's teachings would improve the capability of Robbins invention by providing the highest quality for encoding audio and video for its data transmission, and MPEG-4's single compression formats allows it to be compatible with other services.

Response to Arguments

24. Applicant's arguments, see Paragraph 25, filed 02/25/2005, with respect to the rejection(s) of claim(s) 1, 4, 6, 8, and 10 under Robbins in view of Ezaki and Vishlitzky have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under Robbins in view of Goldschmidt and Zigmond.

25. Applicant argued that (1) Robbin neither shows nor suggests the "analysis means", the "creation means" nor the "insertion means" (2) Robbin neither discloses or suggests that the data stream, including single-use data and the combination of multiple-use data and data descriptors, should be scanned to find the data descriptors (3) Robbin neither discloses or that these data descriptors as well as the accompanying multiple-use data should be recorded (4) Ezaki's modification are only effective with regard to the analog video signal (5) Vishlitzky neither shows nor suggests the retrieving of specific multiple-use data from storage and combining with the received single-use data.

In response to applicant's argument:

26. As to point (1), Robbins in view of Goldschmidt teaches of analyzing digital to identify commercials and programs in a digital broadcast (Goldschmidt, Col 5, lines 31-49). Robbins teaches the means for creating the descriptor because Robbins teaches of using an ID code, which is transmitted with the broadcast signal (Robbins, Col 4, lines 18-20, 44-46). The means for creating an ID code is inherent. Robbins also teaches of the insertion means since Robbins' teaches of transmitting the ID code with the broadcast signal.

27. As to point (2), Robbins in view of Goldschmidt teaches of identifying between single-use and multiple-use data. Robbins, in Column 28, line 66 - Column 29, line 2, teaches of scanning the broadcast to detect ID codes. The ID codes indicate which programs are to be recorded.

28. As to point (3), Robbins teaches of storing the ID codes and the programs associated with the ID codes. In Column 29, lines 28-34, Robbins teaches that the device records the program. In Column 40, lines 29-34, Robbins also teaches that the receiver stores the ID codes.

29. As to point (4), Applicant's argument is persuasive and thus the rejection with Ezaki is withdrawn and replaced with Goldschmidt. Goldschmidt taught of analyzing a digital broadcast an identifying commercials and programs from the broadcast.

30. As to point (5), Applicant's argument is persuasive and thus the rejection with Vishlitzky is withdrawn and replaced with Zigmond. Zigmond taught of inserting stored video content into a digital broadcast.

Conclusion

31. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Iggulden, US Patent #6,597,405, teaches identifying selected broadcast segments.

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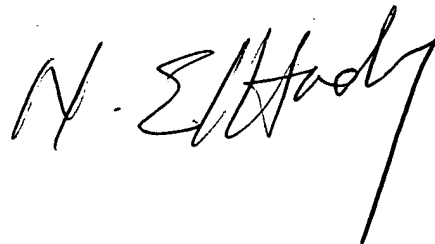
32. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 9, 2005
JJ

A handwritten signature in black ink, appearing to read "N. E. Hardy". The signature is written in a cursive, stylized font with a long vertical stroke extending downwards from the end.